

These minutes are a summary of the discussion. The audible recording is available at the following website: <http://bit.ly/T3S7CB>

Planning & Zoning Commission Meeting
Minutes of March 4, 2015
1st Floor North Conference Room - City Hall

Present: Vice-Chair Holly P. Shriner, Kristy Carter, Jim Edmonds, Laura Berner Hudson, Karl Koon and Joe Minicozzi

Absent: Chairman Jeremy Goldstein

Pre-Meeting - 4:30 p.m.

The Commission began the pre-meeting by reviewing the agenda and process for each. Staff shared with the Commission handouts provided citizens concerned 39 Elm Street. Staff noted that they did not have an opportunity to review the handout since it was only just received. The Commission asked questions about the project. When Mr. Minicozzi asked if the Downtown Commission had review of this as a part of the design overlay, staff said that the Downtown Master Plan did not continue the recommendation to provide design review for the corridors surrounding downtown. However, there is a larger area proposed for expansion of the Central Business District zoning, and staff is working on re zoning some areas such as Asheland Avenue.

The Commission asked that they be forwarded the action agenda after each City Council meeting.

Regular Meeting - 5:00 p.m.

Vice-Chair Shriner called the meeting to order at 5:00 p.m. and informed the audience of the public hearing process.

Administrative

- Mr. Koon moved to approve the minutes of the February 4, 2015, meeting. This motion was seconded by Mr. Edmonds and carried unanimously by a 6-0 vote.

Agenda Items

(1) Ordinance Amending article 13, Chapter 7 of Code of Ordinances of the City of Asheville to increase the allowances for real estate and construction signage.

Mr. Chris Collins, Process Manager for the Development Services Department said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinance to increase the allowances for real estate and construction signage.

He said that a formal request for the consideration of a wording amendment was submitted by Vannoy Construction (with support from the property owner/developer) to increase the current allowances for construction & real estate signage for development projects.

In December of 2014, City Zoning Enforcement staff served a notice of violation (NOV) to the City Centre and Hilton Garden Inn projects for construction signage in excess of that allowed by Section 7-13-2(d)(7) at 301 and 309 College Street. The NOV was generated due to the fact that the above listed construction projects are currently displaying construction signage that is in violation of the UDO allowance of two (2) signs with a maximum of 32 square feet in area per sign face with a required ten (10) foot setback from the right-of-way.

In response to the serving of this NOV, the developer met with City staff and subsequently submitted a formal request for a wording amendment to Section 7-13-2(d)(7) to increase the allowed number of and size of construction signs when attached to construction fence screening materials. The request noted the following benefits of allowing further construction signage when attached to screening materials:

- Screening attached to construction fencing makes for a much better appearance to the public; and
- This type of signage assists in vendor and delivery identification for construction sites; and
- The ability to advertise on construction screening helps mitigate the cost to developers of installing the screening material itself.

In receipt of this request which is centered on an active construction site within the Central Business District (CBD) zoning district, staff prepared a report and proposed wording amendment for presentation to the City's Downtown Commission. On February 13, 2015, staff presented the option of allowing unlimited 32 square foot sign panels on construction fencing screening materials when said panels were spaced at least 50 linear feet apart and eliminated the requirement of a 10 foot setback for this type of signage within the CBD. The majority of the Downtown Commission members demonstrated support for increasing the allowance for the construction signage. Several members identified the possibility of allowing a greater size and quantity than that identified in the staff report.

While conducting research for this wording amendment, staff has determined that it is common practice to base allowable sign size on the likely travel speed of the sign's audience. In the CBD and other pedestrian focused zoning districts, a smaller sign size with smaller sign spacing intervals would be most legible while in other commercial zoning districts where traffic predominantly vehicular and at higher allowable rate of travel a larger sign size with larger sign spacing intervals would be most legible. Therefore, staff is recommending an amendment that differentiates between allowable sign area and spacing intervals in pedestrian predominant and traditionally automobile predominant zoning districts.

The use of construction screening material on construction fencing is not required by City ordinance.

Currently, the text of Section 7-13-2(d) (7) reads as follows:

- 7) *Construction Signs.* Construction signs shall be allowed provided such signs do not exceed one sign per street frontage with a maximum of two signs per construction site. Such signs shall not exceed four square feet in area per display face, two faces per sign for single-family or duplex residential construction or 32 square feet in area per display face for multi-family residential or non-residential construction, and a maximum of ten feet in height. Construction signs shall not be erected prior to the issuance of a building permit and shall be removed within seven days of the issuance of a certificate of compliance. A minimum setback of ten feet is required.

This proposed UDO text amendment adds one new definition to Section 7-2-5. These definitions are as follows:

Construction Screening- Temporary and opaque material attached to a perimeter fence or barrier surrounding an active construction site for the purpose of minimizing the visual nuisance and safety issues of the subject site.

Additionally, the proposed text amendment revising the wording of Section 7-13-2(d)(7) as follows (additions are underlined):

7) *Construction Signs.*

- a. *Freestanding Construction Signs:* Shall be allowed provided such signs do not exceed one sign per street frontage with a maximum of two signs per construction site. Such signs shall not exceed four square feet in area per display face, two faces per sign for single-family or duplex residential construction or 32 square feet in area per display face for multi-family residential or non-residential construction, and a maximum of ten feet in height. Construction signs shall not be erected prior to the issuance of a building permit and shall be removed within seven days of the issuance of a certificate of compliance. A minimum setback of ten feet is required.
- b. *Construction Signs Attached to Construction Screening:* When used in lieu of a Freestanding Construction Sign, construction signage may be attached to construction screening materials subject to the following requirements:
 - i. *CBD, UP and UV Zoned Sites:* Unlimited sign faces are allowed when attached to construction screening with a sign area no larger than 32 square feet per sign and occurring at intervals no closer than 32 linear feet.
 - ii. *All other non-residential zoning districts:* Unlimited sign faces are allowed when attached to construction screening with a maximum sign face of 50 square feet in area and occurring at intervals no closer than 50 linear feet.

This wording amendment may support (1) Focus Area 1 (Economic Growth & Stability) of the Strategic Plan by adding allowances for a common practice in large developments thereby promoting important projects within the community; and (2) Focus Area 2 (High Quality of Life) may be promoted through this wording amendment by the improved visual quality and pedestrian safety offered by the use of construction screening materials.

This amendment supports the following goals from the City Development Plan 2025: (1) Economic Development Goal I: Insure that Asheville's urban planning, zoning, and permitting processes, as created and administered by the City, facilitate sustained and positive development; and (2) Transportation Goal II: Making Asheville a more walkable and livable city.

Considerations:

- Provides a specific definition for *Construction Screening* within the UDO.
- Incentivizes the use of construction screening material thereby assisting with the aesthetics of active construction sites and reducing the risk of an attractive nuisance.
- Signage affixed to screening materials eliminates the more commonly used free-standing signs which may contribute to visual clutter.
- Higher allowances may improve project recognition within the community and communicate valuable information.
- Benchmarking from the standards of other jurisdictions has produced mixed results. The large majority of those surveyed enforce a similar standard to that currently found in the UDO. However, many of those surveyed noted that signage affixed to screening is not commonly regulated.

City staff recommends approval of this wording amendment.

Mr. Collins responded to Mr. Koon when he questioned if there was a requirement that the screening be continuous. Mr. Minicozzi suggested requiring a cut gap every so often and if the property is screened, that it be continuous.

When Ms. Hudson asked how staff arrived at the 32 square feet, Director of Development Services Shannon Tuch explained that not only did the Downtown Commission provide feedback, but staff also checked with other cities, which have no regulations on construction screening.

In response to Mr. Koon, Mr. Collins said that this will not require a sign permit.

Vice-Chair Shriner opened the public hearing at 5:11 p.m.

Mr. Brian Walker, representing Vannoy Construction, explained that they are in strong support of this amendment for the following reasons: (1) safety prospective in the downtown environment; (2) conveys a certain level of professionalism; (3) cleanliness of site; and (4) nice images for the public to look at; and (5) will help mitigate the cost to developers of installing the screening material itself.

Vice-Chair Shiner closed the public hearing at 5:15 p.m.

There was a brief discussion about the square footage they would be willing to support.

Ms. Hudson moved to approve the proposed wording amendment to Sections 7-2-5 and 7-13-2(d)(7) of the UDO of the City of Asheville to be 50 square feet and 20 square feet apart in all zoning districts, and find that this request is reasonable and is consistent with the Comprehensive Plan and other adopted plans, based on information provided in the staff report and as stated in the staff recommendation. This motion was seconded by Mr. Koon and carried unanimously on a 6-0 vote.

(2) Review of a Level II site plan (Deerfield Cottage Expansion) for the construction of 27 new units, including 21 single-family and 6 duplex units, located on 12.95 acres of a 125.24 acre site at 10 Valley Springs Road. PIN 9645.89-9719. The project contact is Scott Burwell. Planner coordinating review – Julia Fields.

Urban Planner Julia Fields oriented the Commission to the site location and said that the applicant is requesting review of a Level II proposal for the construction of 27 new dwelling units (21 single family units and 6 duplex units) at the Deerfield Episcopal Retirement Community.

The project site is approximately 12.95 acres of a 125.24 acre site, the location of the Deerfield Episcopal Retirement Community located at 1617 Hendersonville Road. The project site is located along the northern portion of the community and is zoned RM-16 with a portion of the property also included in the Blue Ridge Parkway Overlay District. Fourmile Branch runs along the northern border of the project site. The property is surrounded to the west, east and south by properties also zoned RM-16 and part of the Deerfield community. To the north, the project site abuts property that is in the town of Biltmore Forest. There is an existing two story residential structure on the property that will be demolished to prepare for the proposed development.

Deerfield Episcopal Retirement Community proposes an expansion to their existing campus of 27 additional independent living cottages on approximately 12.95 acres. Twenty-one single family cottages and six duplex cottages are planned. The cottages will range in size from 1706 square feet to 2565 square feet with heights ranging from 20'4" to 23'3". Water and sewer extensions will service the new dwelling units.

Access to the cottages will be provided via three new streets connecting to Lambeth Drive, an existing private street on the Deerfield campus. The three streets will also be privately maintained. Sidewalks are not required for this project per City standards, however, five foot sidewalks are proposed throughout the site. Ten parking spaces are provided at the entrance to this new section of the Deerfield community. Each individual dwelling unit will also have driveways and garage parking. A campus wide parking analysis has been provided showing

compliance with city standards.

Landscaping provided for this project includes a 10 foot buffer to the north, retaining wall foreground landscaping, tree save area/plantings, and street trees.

Open space calculations have been provided for the entire campus and are in compliance with City standards.

This project was reviewed at the February 2, 2015, meeting of the Technical Review Committee and approved with conditions. Most of the comments contained in the staff report have been addressed. As this is a Level II review, it will not be reviewed by the Asheville City Council. One public comment has been received from a resident from the Ramble who was only inquiring what was happening.

Staff recommends approval of the proposal as shown on the site plan subject to the conditions listed in the TRC report as it meets or can meet all relevant standards.

Mr. Scott Burwell, representing Deerfield Episcopal Retirement Community, explained that even though all the roads in their campus are private, they are built to City standards.

When Vice-Chair Shriner asked if there was an issue since the lot is split zoned, Ms. Fields replied there is no issue.

When Mr. Minicozzi inquired about an overall Master Plan for Deerfield, Mr. Bob Wernet, CEO of Deerfield Episcopal Retirement Community, said that the RM-16 parcel was purchased in 2008 and it was not part of the original Master Plan.

When Mr. Minicozzi asked if Deerfield had any plans to expand their campus beyond their footprint, thus taking City property off the tax rolls (due to Deerfield being non-taxable), Mr. Wernet said they have no plans in the near future and explained their service goals.

Vice-Chair Shriner opened the public hearing at 5:30 p.m.

A representative for The Ramble asked several construction-related questions, some being if the construction company will be using Valley Springs Road as a construction access as it is a privately maintained road, how long the construction will be expected to last, and what will the total distance be between Valley Springs Road and their project. Vice-Chair Shriner suggested the representative meet with Mr. Burwell who will be able to answer those type questions.

Mr. Koon moved to approve the Level II site plan review for Deerfield Cottage Expansion subject to the TRC staff report and all standard conditions. This motion was seconded by Mr. Edmonds and carried unanimously by a 6-0 vote.

- (3) Review of a request for conditional zoning from Community Business II District (CBII) to Community Business II Conditional Zoning District (CBII-CZ) for the construction of a 5-story, 65,246 sq. ft. hotel with parking. The subject parcel is 0.60 acres located at 39 Elm Street, PIN 9649-42-1474 with conditions to building size, impervious area and setback. The project contact is Dan Pabst. Planner coordinating review is Jessica Bernstein.**

Urban Planner Jessica Bernstein oriented the Commission to the site location and said the applicant is requesting conditional zoning from CB-II (Community Business II District) to CB-II CZ (Community Business II Conditional Zoning District) for a single parcel located at 39 Elm Street to allow for the construction of a new hotel. The proposal includes conditions relating to structure size, impervious surface standards and setback.

The project site consists of a single parcel, 0.926 acres in size (according to submitted site plans). The parcel located at 39 Elm Street is currently vacant and is zoned Community Business II (CBII). Zoning in the immediate vicinity includes CBII and Office II and adjacent uses include a gas station and various offices. Interstate 240 is to the south.

The applicant is proposing to construct a new hotel building and parking on the site. Plans indicate a 104-room hotel that is 65,246 square feet GFA and five stories in height (39' per UDO definition and 68'10" to the tallest architectural element due to grade change).

The proposal shows a zero foot front setback for the hotel building, which is allowed when pedestrian-oriented design features are incorporated into the design. To meet pedestrian-orientation, the applicant has added steps from the sidewalk onto the patio, sidewalks between 10 to 12 feet in width in front of the building and street trees. While these are key elements in providing a pedestrian-oriented development, the UDO definition specifies that main entrances should be oriented towards the sidewalk and in the project's design; the main entrance for hotel visitors and guests is accessed from the interior parking area, not from the sidewalk (see section on conditions below).

Vehicular access to the site is proposed via two driveways from Elm Street. The easternmost driveway extends under a covered entry (with building levels above) and shows both egress and ingress. The westernmost access point travels across property owned by others and is covered by an easement allowing this property owner the ability to egress and ingress.

Cars are able to travel behind the building and through a parking deck (two levels) to navigate across the site. There are four spaces in a small surface lot on the western end of the building but the bulk of the parking for the project is provided in the deck which is placed behind the building (73 spaces).

Due to the project location and restriction on heading east on Elm Street from Merrimon, vehicular access patterns to the site result in the need for some cars to have to circle the block rather than have direct access to the driveways, depending on how visitors approach the site. Vehicles approaching from Merrimon will need to travel east on Orange Street, turn south onto South Liberty and then head west on Elm Street.

Sidewalks are shown along Elm Street, varying in width in front of the building between 10-12'. The sidewalk is shown narrowing down to 5-6' on the western and eastern ends of the frontage. The site is within two tenths of a mile to two transit lines with stops at Merrimon and East Chestnut Street and approximately eight tenths of a mile to the downtown transit station.

Landscaping is required for this project and includes street trees, parking deck and building impact landscaping and dumpster screening. Because the parcel is less than an acre in size, open space is not required.

Conditions: The current proposal includes the following conditions that will need to be approved by City Council:

1. Structure size - proposing 65,246 SF; the maximum structure size in CBII is 45,000 SF (asking for a 45% increase in structure size)
2. Impervious surface - proposing 85.4% impervious surface coverage; CBII limit is 80%
3. Setback with respect to pedestrian-orientation - while this proposal does include elements of pedestrian-oriented design to achieve a zero-foot setback, the UDO definition states that main entrances should be oriented to the sidewalk (the steps to the patio are not a "main" entrance and are not accessible).

This proposal was approved with conditions by the Technical Review Committee on February 2, 2015, and requires review by the City Council and Final TRC prior to zoning approval.

The applicant hosted a meeting with neighbors on February 2nd. Staff has spoken with a number of nearby property owners who have concerns related to traffic, vehicular access, pedestrian safety and the requested increase to structure size.

The applicant is proposing to conditionally rezone the site from CBII to the same zoning district as a way to impose conditions different from the zoning district standards as explained in the section on conditions above.

The property is in an area anticipating commercial uses and the existing built environment is a mix of more typical retail and commercial structures (gas station and Staples) as well as smaller one and two-story office buildings (South Liberty Street) and two-story converted residential structures that are now primarily office uses (Orange Street).

A hotel is a suitable use in the zoning district as well as in this location. The requested conditions for a building exceeding size, reducing setback and increasing impervious surface standards for the district are evaluated on a case-by-case basis and while they may not be appropriate or considered as compatible on a similarly zoned site further north along Merrimon or deeper within the neighborhood, they are less objectionable given the context of this location. The site faces directly onto the I-240 right-of-way and exit ramp and across from the Central Business District, providing a context that has a significantly reduced "neighborhood feel" and can stand up to a more intense development.

The properties to the rear and sides all contain single or two story structures and this proposed hotel building is four to five stories which is certainly larger than the existing fabric but the height is technically compliant with the UDO maximum for the district (40 feet). Also, with the existing topography on the site and surroundings, the subject parcel is approximately 15 to 20 feet below the Staples parking lot and structures along Orange Street to the north and approximately 20 feet below the adjacent parcel on South Liberty to the northeast, which should mitigate the scale of the building somewhat to those neighboring properties.

The proposal supports strategies found in the *City Development Plan 2025* of allowing more intense infill development where appropriate (pg. 149-150) and enhancing the pedestrian-environment (pg. 133-136) *although staff feels the proposal needs to be strengthened in this area*. There is a section of the *Plan* addressing tourism as an economic driver, which hotels are certainly a part of (pg. 195-6).

The proposal is aligned with City Council's *Economic Growth* goal on infill development and streetscape enhancement.

Based on the above findings and the analysis provided in the report and as stated in the recommendation below, staff finds this request to be reasonable. Staff does suggest that the applicant find a way to better integrate a main, accessible pedestrian entrance along the streetscape.

Considerations:

- The requested conditions exceed structure size maximums, impervious surface and setback standards for the district, resulting in a structure 45% larger than allowed and taking up more of the lot than the district permits.
- The location of the site, facing onto interstate right-of-way, provides a context that is less like a typical "Community Business" setting.
- Widened sidewalks and street trees provide an improved streetscape experience and link pedestrians towards downtown or uses along Merrimon Avenue.

Staff recommends approval of the proposed conditional zoning to allow for the construction of the new hotel and parking, including the conditions detailed above, but does suggest that the developer continue to explore making a more accessible primary entrance along Elm Street to better meet with the City's definition of pedestrian-oriented design.

When Ms. Carter asked what a more pedestrian-oriented design might look like, Ms. Bernstein replied that ideally staff would like to see an entrance at grade. She acknowledged that it will be a challenge for the developer.

Ms. Carter asked what would be required if Elm Street was a key pedestrian street. Ms. Bernstein replied that the steps in the front would not be an acceptable solution for the entrance, and the building would require fenestration.

Mr. Edmonds asked if there was neighborhood opposition to the 45% increase in structure size. Ms. Bernstein replied that there was opposition; however, given his location, staff felt the site could have a more intense building.

When Ms. Carter asked what the separation is from this building and other buildings in the area, Ms. Bernstein said that nothing was measured; however, she felt they were not particularly close.

In response to Ms. Carter, City Traffic Engineer Jeff Moore said that there is no on-street parking on Elm Street in this area.

Mr. Craig Justus, attorney representing the developer, pointed out to the Commission the uniqueness of the site and using a map showed the hotel scales along I-240. They did hold a community meeting and their plans were re-designed as a result of community input.

Mr. Zack Stroud, architect, explained the property grade on each side of the property. He said they understand that this location is a gateway to the City and the building falls inline with the vision of zoning area for an urban environment. He explained the vehicular access, noting that the majority of their guests will use the entrance on Elm Street.

Since the architectural element is driving the highest elevation of 68.10 feet, Ms. Hudson asked if that could be lowered 61.2 feet, similar to the eastern side. Mr. Stroud said they were trying to create more interested architecture.

Ms. Hudson was concerned that the developer may not be able to keep all of the 73 spaces, Mr. Stroud said that they are in the early stage but they hope to lose only 1-2 parking spaces.

In response to Ms. Hudson regarding ventilation, Mr. Stroud said that they would have the vents in the back portion of the site or the roof area. They would try not to have them on the front façade.

Ms. Hudson felt that reducing the handicapped spaces to the required amount could possibly reduce the stripping down from 8 to 5 feet, which might allow the opportunity to design an accessible entry off Elm Street.

When Mr. Minicozzi asked if there was a site design under the existing zoning, Mr. Stroud replied there was, but it left the owner with a smaller hotel (approximately 60 rooms) and a less upscale brand.

Ms. Mary Morgan, the developer's Traffic Engineer, provided to the Commission the trip generation calculations and a map showing the different routes to enter and exit the site.

When Ms. Carter asked if there was any consideration given to pedestrian in the Traffic Impact Analysis (TIA), Ms. Morgan replied that their TIA was strictly traffic.

When Ms. Carter asked about signage on Elm Street, Mr. Justus said that they will not encourage people to turn left and will request signage in that regard. Regarding pedestrian safety, information provided by the 5 Points neighborhood demonstrates a need which they will follow-up on with discussion with the N.C. Dept. of Transportation regarding enhancing the stripping at the pedestrian crossing at the intersection of Merrimon Avenue and Elm Street.

Ms. Carter expressed concern regarding pedestrian safety for those that wish to visit downtown.

Mr. Mark Phillips, Civil Engineer, explained the primary access for egress and ingress is off Elm Street. On the western side of the property there will be a bar for use by service vehicles only. He then pointed out other site elements.

Mr. Minicozzi wondered about guest/employee parking if the hotel is at capacity. Mr. Dan Pabst, engineer, said that the expected occupancy is 65-70% and since most of their parking will be valet parking, in the event of full capacity parking they would have an agreement to cover any other parking concerns.

Mr. Phillips responded to Mr. Minicozzi when he questioned why the pedestrian-experience on Elm Street does not continue on their entire site.

In response to Ms. Hudson, Mr. Phillips said they are screening their transformer with evergreens on the south and west of the transformer pad.

When Ms. Hudson asked if there will be a generator for this project, Mr. Stroud said that typically there is not a generator on a project of this size.

In response to Mr. Minicozzi, Mr. Justus said that the price point per room would be approximately \$100 in this extended stay hotel.

When Ms. Hudson asked if there would be the potential for Elm Street to become two-way all the way down to Merrimon Avenue, Mr. Moore replied no.

In response to Vice-Chair Shriner, Mr. Moore said that the yield sign at the end of Elm Street where I-240 merges in, may be changed to a stop sign. He said that with hotel staff recommending their patrons to turn left onto Elm Street out of the hotel, it would decrease the amount of traffic that would go that way.

In response to Ms. Carter regarding pedestrian concerns on Merrimon Avenue, Mr. Moore said that the N.C. Dept. of Transportation is working with the City to address pedestrian issues. At the intersection of Merrimon and Elm, he might suggest that the existing pedestrian signal ensures adequate timing that allows for the crossing of pedestrians.

In response to Mr. Minicozzi regarding pedestrian safety on Merrimon Avenue, Mr. Moore said that Merrimon Avenue does have challenges, but he would not consider it dangerous. He felt that situations could be made better and if there is a way for that to happen, the City would be on board.

Ms. Carter was displeased that there is no N.C. Dept. of Transportation representation at the Planning & Zoning Commission meetings.

Vice-Chair Shriner opened the public hearing at 6:29 p.m.

The following individuals spoke in opposition of the proposed hotel/parking at 39 Elm Street for various reasons, some being, but are not limited to: inadequate pedestrian crossing at intersection of Merrimon Avenue and Elm Street; need for pedestrian signage for hotel guests; hotel will negatively impact the area; already traffic congested area; height of hotel should be limited to four stories; need for better buffering (trees, not shrubs) for adjoining property on Orange Street; request for privacy fence during and after construction for adjoining property on Orange Street; no need for another hotel since the hotel market is already saturated; hotel is too large for the site; this is an encroachment in north Asheville by the Central Business District; area streets already have existing on-street parking problems; existing difficulty to turn right onto Orange Street from Merrimon Avenue; pedestrian safety concerns; and employees and guests from hotel will try to park on Orange Street and leave no parking for existing businesses:

Ms. Sue Schweihart, representing the 5 Points Neighborhood Association
Ms. Elizabeth Garzarelli, owner of property on Orange Street
Mr. Bill McDowell, owner of 5 of the 8 properties adjacent to the site
Property Owner on Orange Street

Vice-Chair Shriner closed the public hearing at 6:50 p.m.

In response to Ms. Carter, Mr. Moore said that there is some permitted parking on Elm Street which is not highly utilized, but that option could be made available.

In response to Mr. Edmonds, Ms. Bernstein stated some other allowable uses on that site, noting some might be smaller structures, but they would have a higher frequency of trips.

There was some discussion, initiated by Ms. Carter, regarding the 45% increase of structure size request. Mr. Glines explained that the UDO allows consideration on a case by case basis, and the property is compatible with downtown and the surrounding area.

In response to Mr. Minicozzi, Mr. Moore provided a rough cost estimate for the improvements requested by the 5 Points Neighborhood, noting that the biggest hurdle would be the N.C. Dept. of Transportation participation.

Mr. Glines responded to Ms. Carter when she asked why the Downtown Master Plan did not extend the Central Business District across I-240. He said that staff will continue to have discussions about moving the Central Business District to the north.

When Ms. Hudson asked if the developer would be willing to reduce the height of the architectural features or reduce the number of rooms, Mr. Justus said that the number of rooms are fixed by the Marriott, but they would be willing to reduce the height of the architectural elements.

There was discussion, initiated by Mr. Minicozzi, regarding the financial impact for the developer with the increase in structure size. Mr. Minicozzi felt that for the developer is asking the Commission to change their zoning for a 45% increase in structure size and the City should ask for something to mitigate the concerns, i.e., \$60,000 for possible the Affordable Housing Trust Fund, or for pedestrian improvements. Mr. Justus felt that the intersection of Merrimon Avenue and Elm Street is an existing problem for all businesses that use Merrimon Avenue and felt it was unfair to have that burden thrust on this developer.

Mr. Koon moved to approve the conditional zoning request of Asheville Property, Inc. for property located at 39 Elm Street from CB-II (Community Business II District) to CB-II CZ (Community Business II District Conditional Zoning) including the conditions provided to the Commission in Exhibit B-1, with the additional condition that the developer lower the architectural elements on the western side from 68.10 feet to 61.2 feet; and find that the request is reasonable

and consistent with the Comprehensive Plan and other adopted plans in that: (1) The proposal supports the strategies found in the City's comprehensive plan on tourism as an economic driver; and (2) The proposal supports the goal found in the City's comprehensive plan of pursuing more intense infill development where appropriate.

Ms. Hudson asked Mr. Koon for a friendly amendment to his motion to include the following additional conditions: (1) The developer will meet with the N.C. Dept. of Transportation regarding pedestrian issues at the intersection of Merrimon Avenue and Elm Street; (2) That the developer would be willing to provide information on their website and in the hotel to instruct their guests to exit to the left on Elm Street to Central for a pedestrian route to downtown; (3) That the developer reduce the height of the architectural element on the western side from 68.10 feet to 61.2 feet (included in main motion); (4) The developer add a ramp to the front entrance on Elm Street to provide accessibility for the able-bodied and disabled; (5) The developer will work with City staff to avoid ventilation air vents on the front façade on Elm Street; (6) The developer will work to upsize every other tree to a larger size at the rear of their property abutting Orange Street; and (7) that the second sentence in the No. 5 condition in Exhibit B-1 be revised to read "The westernmost access point travels across property owned by others and is covered by an easement allowing this property owner the ability to egress and ingress by service vehicles only." All conditions were agreed to by Mr. Justus.

Mr. Koon accepted the friendly amendments made by Ms. Hudson. Ms. Hudson then moved to second the amended motion.

Mr. Minicozzi asked for a friendly amendment to the amended motion that the developer contribute to help with pedestrian improvements.

After a brief discussion, Mr. Koon stated that the developer has already agreed to meet with the N.C. Dept. of Transportation to improve pedestrian safety at the intersection of Merrimon Avenue and Elm Street, and would not accept the friendly amendment.

Ms. Carter noted that the developer asked for a huge bonus that the Commission is not accustomed to granting and typically when we give density, the City gets something in return. The Commission is giving the developer a lot of value and hope that they honor that and give the City something in return.

Mr. Minicozzi felt that this is a significant financial gain for the developer. He felt the Commission should have a discussion about whether we are getting the best result for the City financially.

The amended motion made by Mr. Koon and seconded by Ms. Hudson carried on a 5-1 vote, with Mr. Minicozzi voting "no".

At 7:37 p.m., Vice-Chair Shriner announced a 5-minute recess.

- (4) Review of a request for conditional zoning from Residential Single-Family Medium Density District (RS-4) to Residential Multi-Family Low Density Conditional Zoning District (RM-6CZ) to allow the renovation of an existing church to two single-family residences. The property is located at 1 Sunset Parkway. PIN 9649-65-3576. The property is owned by Zion Ministries, Inc. and the project contact is Mark Allison. Planner coordinating review – Julia Fields.**

Urban Planner Julia Fields oriented the Commission to the site location and said that the applicant is requesting review of a conditional zoning application to rezone property from RS-4 (Residential Single-Family Medium Density District) to RM-6CZ (Residential Multi-Family Low Density District) in accordance with Section 7-7-8 of the UDO, to convert a building that previously housed a place of worship into two dwelling units.

The subject property consists of a .82 acre parcel (zoned RS-4) located at 1 Sunset Parkway. The property contains a former place of worship and accompanying parking on a corner parcel with frontage along Sunset Parkway and Charlotte Street. The Parcel Identification Number for the proposed rezoning is 9649.65-3576.

The applicant, Howard Stafford, proposes to convert the existing structure that has been used most recently as a place of worship into two dwelling units. One dwelling unit (Unit A) will have entrances fronting on Sunset Parkway and Charlotte Street. The other unit (Unit B) will have an entrance fronting on Charlotte Street. The existing structure is 12,663 square feet in size and 35 feet 4 inches in height.

Existing access points to the property on Charlotte Street and Sunset Parkway will be maintained. The Charlotte Street drive will lead to a reconfigured parking area with five parking spaces provided. The drive off of Sunset Parkway will function as a more typical residential driveway. Sidewalks exist along both street frontages. The applicant has agreed to provide the City with a 10 foot easement along both frontages to facilitate any future sidewalk improvements.

Landscaping provided for this project includes street trees and the screening of the parking area along Charlotte Street, and a twenty foot bufferyard with requisite plantings to the east adjacent to the RS-4 zoned neighboring residential property. Open space is not required.

No exceptions to City standards/regulations have been requested.

This proposal was approved with conditions by the Technical Review Committee on February 2, 2015, and requires review by the City Council and Final TRC prior to zoning approval. Many of the TRC comments have been addressed in the plans that are before the commission.

The applicant is proposing to conditionally rezone the site from RS-4 to RM-6 to allow for conversion of the existing building into two dwelling units. This conversion could be done as a use by right subject to special requirements if there was not a duplex located on the property immediately adjacent to this parcel.

A conditional zoning application for this property was submitted in 2014 for rezoning to HBCZ to develop a residence and canine rehabilitation clinic and dog daycare facility on the property. The application was withdrawn by the applicant before it was heard by the Asheville City Council.

The site is bordered by properties zoned RS-4 to the north and east (containing single-family and two-family dwellings) and Historic Conditional Use (HCU) to the south (Manor Apartments). To the west, property across Charlotte Street is zoned Institutional (Unitarian Universalist Church) and RM-6 (containing multi-family dwellings). The proposed development of two dwelling units will be compatible with the mix of dwelling types/densities in the immediate vicinity.

The proposal supports the following goals found in the *City Development Plan 2025*: (1) Promoting the adaptive reuse of the City's valuable commercial and residential historic resources; and (2) Promoting adaptive reuse of vacant or underutilized structures, while ensuring that neighborhood compatibility is met.

Based on the above findings and the analysis provided in the report and as stated in the recommendation below, staff finds this request to be reasonable.

Considerations:

- The project proposes the adaptive reuse of a historic structure.

- The two family structure will be in an area with a mix of housing types (multi-family, duplex, single-family).

Staff recommends approval of the proposed conditional zoning to allow for the conversion of a building previously used as a place of worship into two dwelling units.

Mr. Mark Allison, architect representing the owner, asked for the Commission's support of this conditional zoning as it fits well into the neighborhood.

Vice-Chair Shriner opened the public hearing at 7:46 p.m.

Mr. Buzz Barry, President of the Grove Park-Sunset Mountain Neighborhood Association Board, read the following letter dated March 4, 2015, into the record: "On February 26, 2015, the Grove Park-Sunset Mountain Neighborhood Association Board, representing over 600 households voted unanimously to support the conditional zoning request to rezone property at One Sunset Parkway. This vote is based upon information provided by City of Asheville Urban Planner Julia Fields."

Vice-Chair Shriner closed the public hearing at 7:47 p.m.

Mr. Minicozzi moved to approve the conditional zoning request of Howard Stafford for property located at 1 Sunset Parkway from RS-4 (Residential Single-Family Medium Density District) to RM-6CZ (Residential Multi-Family Low Density District), with the Exhibit B-1 conditions provided to the Commission, with the amendment to Condition 1 as follows: "(1) Approval is for the conversion of a historic structure that previously housed a place of worship into no more than two dwelling units"; and find that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans in that: (1) The proposal supports the goal found in the City's comprehensive plan of promoting the adaptive reuse of the City's valuable commercial and residential historic resources; and (2) The proposal supports the goal found in the City's comprehensive plan of promoting adaptive reuse of vacant or underutilized structures, while ensuring that neighborhood compatibility is met. This motion was seconded by Ms. Carter and carried unanimously by a 6-0 vote.

Other Business

Vice-Chair Shriner announced (1) the mid-month meeting on Thursday, March 19, 2015, at 4:00 p.m. in the First Floor North Conference Room in the City Hall Building; and (2) the next formal meeting on April 1, 2015, at 5:00 p.m. in the First Floor Conference Room in the City Hall Building.

Adjournment

At 7:50 p.m., Ms. Hudson moved to adjourn the meeting. This motion was seconded by Ms. Carter and carried unanimously on a 6-0 vote.